ESTTA Tracking number:

ESTTA176098 11/20/2007

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91179438	
Party	Plaintiff Apple Inc.	
Correspondence Address	Stephen J. Coates Kilpatrick Stockton LLP 31 W 52nd Street - 14th Floor New York, NY 10019 UNITED STATES scoates@kilpatrickstockton.com, jpeterse@kilpatrickstockton.com, agarcia@kilpatrickstockton.com	
Submission	Motion for Default Judgment	
Filer's Name	Stephen J. Coates	
Filer's e-mail	scoates@kilpatrickstockton.com, jpeterse@kilpatrickstockton.com, agarcia@kilpatrickstockton.com	
Signature	/STEPHEN JADIE COATES/	
Date	11/20/2007	
Attachments	Rotten @pple Default.pdf (3 pages)(59850 bytes)	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/573,123

For the mark:				
APPLE INC.,	X			
	. Opposition No. 91,179,438			
Opposer,	:			
	;			
V.	· :			
DOUGLASS RABESS	:			
Applicant.	: :			

OPPOSER'S MOTION FOR DEFAULT JUDGMENT

Apple Inc. ("Opposer") hereby moves the Board for a default judgment against Applicant Douglass Rabess ("Applicant") on Opposer's claims in opposition to registration of Application Serial No. 78/573,123.

The Board's September 12, 2007 Notice set a October 22, 2007 deadline for Applicant to file and serve an Answer in this proceeding. Applicant has failed to file or serve its Answer.

In accordance with Rule 55(b) of the Federal Rules of Civil Procedure and Rule 2.106(a) of the Trademark Rules of Practice, Opposer moves the Board for entry of default judgment on Opposer's claims in this Opposition proceeding. It is appropriate for the Board to enter judgment against Applicant because Applicant failed to file and serve its Answer before the October 22, 2007 deadline.

Dated: November **29**, 2007 New York, New York

Respectfully submitted,

Joseph Petersen Stephen J. Coates KILPATRICK STOCKTON LLP 31 West 52nd Street New York, New York 10019 (212) 775-8715

Attorneys for Opposer Apple Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/573,123

For the mark:	
roi me mark.	X
APPLE INC.,	:
Opposer,	: Opposition No. 91,179,438 :
v.	:
DOUGLASS RABESS	: :
Applicant.	: : :X
	/ h

CERTIFICATE OF SERVICE

This is to certify that the foregoing OPPOSER'S MOTION FOR DEFAULT JUDGMENT was served on Applicant by depositing a true and correct copy in the first class mail, postage pre-paid, addressed as follows:

Douglass Rabess 1020 Soundview Avenue Apt. 1E Bronx, NY 10472

This __ day of November, 2007.

Stephen J. Coates